

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Upon entry of this Amendment, claims 1-21 are all the claims pending in the application. In response to the Office Action, Applicant respectfully submits that the pending claims define patentable subject matter.

I. Overview of the Office Action

Claims 1-21 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claims 1-8, 10-12, 14, and 16 are rejected under 35 U.S.C. § 102(e) as being anticipated by Torikka et al. (U.S. Patent No. 6,937,577, hereafter "Torikka"). Claims 9, 13, 15, and 17-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Torikka in view of Karabinis (U.S. Patent No. 6,856,787).

II. Preliminary Matters

Information Disclosure Statement

Applicant thanks the Examiner for initialing and returning a copy of the form PTO/SB/08 submitted with the Information Disclosure Statement filed on November 7, 2003.

Foreign Priority

A certified copy of the Foreign Priority document was filed in the U.S. Patent and Trademark Office on November 7, 2003. However, the Examiner did not properly acknowledge receipt of the Foreign Priority document by checking boxes 12(a) and 12(a)(1) of the Office Action Summary. The Examiner is requested to fully acknowledge receipt of the Foreign Priority documents in the next Office Action.

III. Objection to the Specification

Claim 21 is objected to as “being in improper form because a multiple dependent claim 16.” However, in the Preliminary Amendment filed on July 30, 2003¹, claims 16 and 21 were amended to depend on independent claim 1. Thus, claim 16 is not a multiple dependent claim and claim 21 is not in improper form. Accordingly, the Examiner is requested to remove the objection to the specification.

IV. Rejection under 35 U.S.C. § 112, second paragraph

Claims 1-21 are rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. In particular, the Examiner asserts that, with respect to the phrase “instead of said node”, it is not clear what node Applicant is referring to. Applicant finds the Examiner’s position confusing.

Independent claim 1 recites “at least one terrestrial node” in line 2 of the claim. No other nodes are recited in claim 1 subsequent to (or preceding) the recitation of “at least one terrestrial node” in line 2 of the claim. Accordingly, Applicant respectfully submits that there is adequate antecedent basis for the phrase “instead of said node” in independent claim 1. Nevertheless, in order to expedite prosecution, Applicant has amended the claims to improve clarity. Applicant respectfully submits that no new matter has been added to the claim.

¹ On page 7, line 4 of the Office Action dated February 8, 2007, the Examiner uses the phrase “any preceding claim.” This phrase was deleted in the Preliminary Amendment filed on July 30, 2003.

Additionally, the Examiner has objected to the use of the phrase "adapted to." By this Amendment, Applicant has amended the claims to improve clarity.

V. Prior Art Rejections

Disclosure of Torikka

Torikka generally discloses a telecommunications system which comprises at least one base station node 12, a base station controller node 14 for controlling the base station node 12, a switching center node 16 operationally connected to the base station controller node 14, and which handles the traffic to and from the at least one base station node 12. At least one of the nodes provides functionality for use in the operation of the telecommunications system, and a software configurable board unit which provides general purpose resource is implemented within the at least one node (column 3, lines 7-20).

Analysis

Applicant respectfully submits that there is no teaching or suggestion in Torikka of a data management device which includes "control means configured to be coupled to a traffic source and to said interface and configured to take local control, on command, of at least a portion of said resources of said base station, instead of said terrestrial node, to enable transfer of data between said traffic source and said base station" as recited in independent claim 1. The Examiner cites FIG. 1; the Abstract; column 4, lines 42-52; column 3, lines 7-12, and column 4, lines 57-67 of Torikka as allegedly disclosing this feature of claim 1.

It is unclear from the rejection what the Examiner considers to be the claimed "data management device." Torikka merely discloses that a switching center node 16 is connected to a

base station controller and handles the traffic to and from a base station node (column 3, lines 7-12). At least one of the nodes of the telecommunications system provides functionality for use in the operation of the telecommunication system, and a software configurable board unit providing general purpose resource is implemented within the node (column 3, lines 13-20).

However, there is simply no teaching or suggestion in Torikka of a data management device comprising "control means configured to be coupled to a traffic source and to said interface and configured to take local control, on command, of at least a portion of said resources of said base station, instead of said terrestrial node, to enable transfer of data between said traffic source and said base station" as required by independent claim 1.

Further, Karabinis does not teach or suggest this feature of claim 1 which is missing from Torikka.

Accordingly, Applicant respectfully submits that independent claim 1 should be allowable because the cited reference does not teach or suggest all of the features of the claim. Claims 2-21 should also be allowable at least by virtue of their dependency on independent claim 1.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Patent Application No.: 10/629,597

Attorney Docket No.: Q76502

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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